

## **REMARKS**

This amendment is submitted in response to the Office Action<sup>1</sup> of September 7, 2004. Claims 1-36 were presented for examination and were rejected. Claim 1 is amended to improve form. New claims 37-39 are added. No claims are canceled. Thus, claims 1-39 are pending. Claims 1, 10, 19, 28 and 37-39 are independent claims.

The Office Action requires a new title. Applicants have amended the title, substantially in accordance with the Examiner's suggestion. It is submitted that this new title is clearly indicative of the invention to which the claims are directed. The specification was amended to correct for a typographical error.

The Office Action objected to the Abstract of the Disclosure because it contains abbreviations; Applicants have amended the Abstract to include language which spells-out the abbreviations. It is respectfully requested that this objection be withdrawn.

Claims 1-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,601,234 B1 to Bowman-Amuah (hereinafter "Bowman-Amuah").

Applicants respectfully traverse the rejection for the following reasons.

In accordance with MPEP § 2131, to anticipate a claim, the reference must teach every element of the claim. As to be discussed in detail below, Bowman-Amuah does not meet this requirement and, in fact, does not teach multiple elements of all independent claims. To begin with, consider the purpose and objective of Bowman-Amuah vs. the purpose and objective of Applicants' claimed subject matter.

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<sup>1</sup> The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any of those statements is identified, Applicants do not automatically subscribe to, or acquiesce in, any of those statements.

Bowman-Amuah discloses subject matter which relates to a need to provide a facility for encapsulating architectural mechanisms within business objects (col. 1, lines 20-21). More specifically, it controls access to data of a business object via an attribute dictionary. A helper façade is provided for interfacing the business object and the attribute dictionary. Authorization of the current user is verified. The helper façade is called to set, get, or update one of the attribute values based on the corresponding attribute name. The helper façade shields the attribute dictionary from the application code of the business object. If the verification is successful, the attribute value in the attribute dictionary is obtained or updated, a dirty flag is set in the attribute dictionary, and an indicator is broadcast when the attribute value is updated (Abstract). What does any of this have to do with Applicants' claimed subject matter? Nothing, in Applicants' view.

By contrast, Applicants' invention relates to satisfying a need to have both IIS and WMI CIMOM software components meet the WBEM standard, as explained in Applicants' specification. To this end, Applicants' invention relates to a translator in a client-server environment and more specifically relates to translating first information formatted in a first communication protocol, e.g., CIM/XML/HTTP, received by the server from the client into second information formatted in a second communication protocol compatible with, e.g., WMI/DCOM - and also translating vice-versa. Thus, Applicants' purpose is completely unrelated to that of the patent reference. With this difference in objectives in mind, consider Applicants' claimed subject matter and the analysis set forth in the Office Action: Claim 1, for example, recites:

In a storage system employed in a client-server network, an interface operating between a first protocol and a second protocol, said storage system

including object manager means operative in accordance with said second protocol, said interface comprising: means for receiving first information in accordance with said first protocol from said client; means, operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system; means, responsive to operation of said determining means, for translating said first information into second information compatible with said second protocol; means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means; means for reverse-translating said managed response into an equivalent response compatible with said first protocol; and, means for forwarding said equivalent response to said client.

Bowman-Amuah does not disclose or suggest claim 1 for the following reasons.

First of all, although Bowman-Amuah shows disk storage 120 in Fig. 1, it does not disclose or suggest that the above noted activity in Bowman-Amuah takes place within a storage system. Applicants' recited "interface" is contained within the recited storage system. The Office Action fails to take into account the language of the preamble of claim 1 or of any of the other independent claims, but it should. "The identical invention must be shown in as complete detail as is contained in the ...claim." *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that this intends to include language in a claim preamble. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn. Moreover, there are other differences between the claimed subject matter and this reference.

On page 3 of the Office Action, it equates "means operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system" of claim 1 with Figs. 20-22 and col. 84, lines 12-24 of Bowman-Amuah. According to the Bowman-Amuah specification,

Fig. 20 depicts streaming in which a real time data stream is transferred; Fig. 21 illustrates CORBA-based object messaging; and Fig. 21 illustrates COM messaging. These three Figs. are discussed in columns 76-77, and it is respectfully submitted that any general discussion of these topics that takes place therein does not disclose or suggest “means operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system” as recited in claim 1. Where is there discussion of the first protocol, of acceptability of the first protocol, of the first information, of further processing of the first information, and other recited details? Such discussion cannot be found. Again, on this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

In connection with this same claim element, the Office Action also refers to col. 84, lines 12-24 which, in turn, refers to Fig. 24 of Bowman-Amuah. Fig. 24 illustrates various components of the communication fabric disclosed/claimed in the reference. It appears to be a general, high level depiction of protocols; the accompanying text discusses “connection management” that provides transfer services to ensure delivery of data from sender to receiver, supporting the transferring of messages from a process running on one machine to a process running on another machine. This general discussion does not disclose or suggest “means operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system” as recited in claim 1 because it does not discuss, or even hint at, acceptability of a first protocol nor the allowing of further processing of information if the first protocol is acceptable. Furthermore, Fig. 24 and its related discussion taken alone or in combination with Figs. 20-22 and their related discussion do

not disclose or suggest this claim element. There is a subject matter disconnect between that which is recited in the claim element and that which is cited in Bowman-Amuah. Again, on this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

Continuing, on page 3 of the Office Action, it equates “means responsive to operation of said determining means, for translating said first information into second information compatible with said second protocol” with Fig. 77 and col. 84, lines 26-36 of Bowman-Amuah. Fig. 77 is a flowchart which relates to a legacy system and discusses interfacing the legacy system: “Interfacing the legacy system and the client via the legacy wrapper by communicating with the client by way of a first protocol and by communicating with the legacy system by way of a second protocol” (see block 7706). Although two protocols are mentioned, and although two systems using these two different protocols are implied, this has nothing to do with TRANSLATING first information in accordance with a first protocol into second information compatible with the second protocol. Bowman-Amuah merely communicates with two different systems using two different protocols. The accompanying text in column 84, lines 26-36 merely discusses “Message Transport service” which formats messages for sending, confirms the integrity of received messages in an “End to End Data Transfer” and establishes end-to-end client-server connections. However, this does not discuss translating and thus does not disclose or suggest “means responsive to operation of said determining means, for translating said first information into second information compatible with said second protocol” as recited in claim 1. Again, there is a subject matter disconnect between that

which is recited in the claim element and that which is cited in Bowman-Amuah and on this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

Continuing, on page 3 of the Office Action, it equates “object manager means operative in accordance with said second protocol” with column 104 and lines 18-55 of Bowman-Amuah. But, this section of the reference merely discusses Object Request Broker (ORB) services in a general way and highlights both ActiveX and Object Linking and Embedding and JavaBeans. This does not disclose or suggest “said storage system including object manager means operative in accordance with said second protocol” as now recited in the preamble of claim 1, since this section does not disclose or suggest (1) a storage system context, (2) an object manager per se, (3) a second protocol and (4) the interrelationship therebetween as defined in the claim, despite the depiction of disk storage 120 in Fig 1. Again, there is a subject matter disconnect between that which is recited in the claim element and that which is cited in Bowman-Amuah, and on this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

Continuing, on page 3 of the Office Action, it equates “means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means” with the same column 104, lines 18-55 section discussed above as well as column 76, lines 46-67. The former section is no more relevant to this claim element as it was to the claim element discussed in the previous paragraph. And the latter section merely discusses Component Object Model (COM) in a general way. There is no discussion of (1) forwarding second information, (2) to an object manager, and (3) receiving a managed response, including all of the claimed detail associated

therewith. Therefore, “means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means”, as recited in claim 1, is not disclosed or suggested by this section of Bowman-Amuah. Again, there is a subject matter disconnect between that which is recited in the claim element and that which is cited in Bowman-Amuah, and on this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

Continuing on page 4 of the Office Action, it equates “means for reverse-translating said managed response into an equivalent response compatible with said first protocol” with column 56, lines 55-60 (Office Action typo indicates lines “55-50”).of Bowman-Amuah. This section merely discusses translating data into a format compatible with a receiving process. The example given is data translation from American Standard Code for Information Interchange (ASCII) to Extended Binary-Coded Decimal Interchange Code (EBCDIC)<sup>2</sup>. ASCII and EBCDIC are not communication protocols<sup>3</sup>. Therefore, this “data translation” has nothing to do with Applicants’ communication protocol reverse translation. Translating data has nothing to do with reverse translating a managed response into an equivalent response compatible with a first communication protocol. This section says nothing about a first protocol, nothing about an equivalent response compatible with the first protocol, nothing about a managed response, and

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<sup>2</sup> ASCII is the standard for code numbers used by computers to represent all upper and lower-case Latin letters, numbers, punctuation, etc. EBCDIC is a group of coded character sets used on mainframes that consist of 8-bit coded characters, reserving the first 64 positions for control codes, and the range x41 to xFE for graphic characters.

<sup>3</sup> A communication protocol is an established set of conventions by which two computers or communications devices validate the format and content of messages exchanged. It provides a methodology by which two computers can coordinate their communications and is the common agreed set of rules followed to interconnect, and communicate between, computers.

nothing about a reverse translation of the managed response. Translation, per se, is not new, and Applicants are not claiming to have invented data translation. This general reference to a translation function does not disclose or suggest “means for reverse-translating said managed response into an equivalent response compatible with said first protocol” as recited in Applicants’ claim 1. Again, there is a subject matter disconnect between that which is recited in the claim element and that which is cited in Bowman-Amuah. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

Continuing on page 4 of the Office Action, it equates “means for forwarding said equivalent response to said client” with column 56, lines 61-67. However, this section merely discusses additional communications services that may be required by applications, such as dynamic message routing, guaranteed delivery, broadcasting, queuing and priority delivery. This general reference to communication services does not discuss a client (although a client is shown in Fig. 17) and is not related to the forwarding of an equivalent response to that client. Applicants respectfully submit that “means for forwarding said equivalent response to said client” as recited in claim 1 is not disclosed or suggested by this section of Bowman-Amuah. Again, there is a subject matter disconnect between that which is recited in the claim element and that which is cited in Bowman-Amuah. On this basis alone, in view of MPEP § 2131, the rejection of claim 1 should be withdrawn.

In view of the above-noted glaring differences between the preamble and elements of claim 1 on the one hand, and the designated passages in the reference on the other hand, Applicants respectfully suggest that the Examiner is impermissibly reading



limitations into the reference that simply do not exist, as a result of the Examiner's prior reading of Applicants' specification and claims. All of the sections to which the Examiner has referred discuss software subject matter in a general way, and no detail is disclosed or suggested in any of those sections which can reasonably be identified as being equivalent to the detailed limitations recited in Applicants' claim 1. Thus, Applicants believe that this reference is irrelevant to Applicants' claim 1 and, therefore, completely without merit as a 35 U.S.C. § 102(e) reference with respect to claim 1. One of ordinary skill in the art reading Bowman-Amuah at the time that the present invention was made would not be able to derive a clue with regard to the problem being solved by Applicants nor the solution proposed by Applicants' claim 1.

If the Examiner should persist in applying this reference to Applicants' claims, it is respectfully requested that the Examiner specifically identify and point to all of the detailed subject matter claimed. For example, where are at least (1) the storage system, (2) the object manager means, (3) the interface, (4) the first protocol, (5) the second protocol, (6) the first information receiving means, (7) the determining means, (8) the translating means, (9) the second information forwarding and managed response receiving means, (10) the reverse translating means and (11) the equivalent response forwarding means? And, it isn't sufficient to merely find words that may match or resemble some of the words used in the claim - the reference must show how all of these items are functionally interconnected precisely in the same manner as the functional interconnection recited in claim 1. As noted above in connection with MPEP § 2131, "The identical invention must be shown in as complete detail as is contained in the ...claim." See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913,

1920 (Fed. Cir. 1989). Applicants respectfully submit that Bowman-Amuah, as interesting and lengthy as it may be, does not meet this legal standard at least for claim 1. Therefore, in view of the above, it is respectfully submitted that claim 1 is allowable over Bowman-Amuah.

All of the other original independent claims, claims 10, 19 and 28 contain limitations similar to those recited in claim 1. It is respectfully submitted that those claims are allowable for the same reasons as given above.

New independent claims 37, 38 and 39 are similar to independent claims 1, 10, and 19 respectively, the principal difference being that the new claims do not recite a storage system environment. All of the other differences noted above between these new claims and Bowman-Amuah remain, and these new claims are therefore allowable over this reference for the reasons given above with respect to those differences.

Claims 2-9 depend directly or indirectly from allowable claim 1, claims 11-18 depend directly or indirectly from allowable claim 10, claims 20-27 depend directly or indirectly from allowable claim 19, and claims 29-36 depend directly or indirectly from allowable claim 28. Therefore, all of these dependent claims are allowable, at least for reasons based on their dependencies, and they are allowable on their own merits as well.

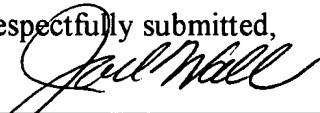
**CONCLUSION**

In view of the above, reconsideration and allowance is respectfully requested. The prior art of record not relied upon is no better than the Bowman-Amuah reference that was relied upon, in Applicants' view.

To the extent that an extension of time may be needed in order to enter this amendment in this case, please consider this response as including a petition under 37 C.F.R. § 1.136 for such extension of time. Please charge any fee for such petition or any other fee or cost that may be incurred by way of this amendment to Patent Office deposit account number 05-0889.

If the Examiner feels that a telephone conversation may serve to advance the prosecution of this application, he is invited to telephone Applicants' undersigned representative at the telephone number provided below. A change of address in this application is included with the papers filed herewith.

Respectfully submitted,



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